IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 16284 of 2007(L)

PETITIONER:

P.A.SAINUDHEEN, AGED 44 YEARS,
S/O.ALI HAJI, PANAYAPPALLY HOUSE,
PALLILAMKARA, KALAMASSERY.

BY ADV. SRI.SHAHUL HAMEED MOOPPAN

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
LABOUR DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM

2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND
BOARD, ERNAKULAM.

3. DEPUTY TAHSILDAR (R.R),
KANAYANNUR TALUK, ERNAKULAM,
KOCHI - 682 011.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD
ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.16284 of 2007

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Dated this the 23rd day of July 2007

JUDGMENT

The Petitioner's grievance is that the appeal filed by the petitioner under the Kerala Motor Transport Workers Welfare Fund Act was dismissed without notice to the petitioner. The learned Government Pleader submits that the notice in the appeal was issued to the petitioner by Registered post on 21.6.2004. However the petitioner was absent on the date of hearing. Therefore, orders were passed on 21.7.2004. The Government Pleader has handed over a copy of the order and the photocopy of the postal endorsement regarding the notice sent to the counsel for the petitioner. In view of the said circumstances, the petitioner seeks permission to withdraw the writ petition without prejudice to the right of the petitioner to challenge the order now passed. Accordingly, the writ petition is dismissed as withdrawn with the above liberty.

S.SIRI JAGAN, JUDGE

dvs